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### REMARKS

This Amendment is a full and timely response to the Office Action dated August 24, 2006.

Claims 1, 21, 23, and 43 have been amended, and new claims 45 and 46 have been added. No new matter is added by these amendments, and support for the amendments may be found in the specification and claims as originally filed. Upon entry of the present amendment, claims 1-46 will be pending in this application.

In the August 24, 2006 Office Action, the Examiner rejected all claims 1-44. For the reasons set forth below, Applicants believe that the rejections should be withdrawn and that the claims are in condition for allowance.

#### Interview Summary

Applicants thank the Examiner for her time during the telephonic interview with Applicant's representatives Michael Turton and Carl Sanders on October 18, 2006. The Examiner and Applicant's representatives discussed the rejection of claims 1 and 23 under 35 U.S.C. § 101. Examiner later indicated in an email that Applicant's proposed amendments to claims 1 and 23 would overcome the rejection.

The Examiner and Applicant's representatives also discussed the Rieffenaugh reference and its applicability to population signals. The Examiner indicated she would need time to review the Rieffenaugh reference, and no agreement was reached.

#### New Claims 45-46

Applicants have added new claims 45-46. No new matter is added by this amendment and support may be found in the specification and claims as originally filed.

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For example, paragraphs 60-92 describe multiple variables that may be used to determine a population signal, as well as several examples of functions that may be used to determine a population signal. Such variables include "a total selection score, a selection score based at least in part on the population group, a smoothing factor, a number of times a query was input by members of the population group, or a number of times a query was input" as recited in claims 45 and 46. Applicant respectfully asserts that claims 45 and 46 are allowable.

**Claim Rejections – 35 U.S.C. § 101**

Applicants respectfully traverse the rejection of claims 1 and 23 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter.

The Examiner has rejected claims 1 and 23 under 35 U.S.C. § 101 stating the claimed invention is directed to non-statutory subject matter because the claims do not produce a tangible result. The Applicants respectfully traverse this rejection. Claim 1 has been amended to recite the step of "outputting a search result comprising the first article." Claim 23 has been similarly amended. These amendments make clear that a tangible result is produced. Applicants respectfully request that the Examiner withdraw the rejection of claims 1 and 23.

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### **Claim Rejections -- 35 U.S.C. § 103**

The Examiner has rejected claims 1-44 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,567,103 ("Chaudhry") in combination with U.S. Patent Application Publication No. 2004/0153472 A1 ("Rieffanaugh"). The Applicants respectfully traverse this rejection.

Claim 1 is patentable over the combined references, because the Chaudhry in view of Rieffanaugh do not disclose or suggest "identifying at least a first population group associated with the user; ... [and] determining a population signal for the first article based at least in part on the first population group" as recited in claim 1. As the Examiner states, Chaudhry does not disclose or suggest a population group or determining a population signal. *See* Office Action, p. 5.

Rieffanaugh does not cure this deficiency. Rieffanaugh discloses a relational database and a method for finding one or more people based on search criteria. However, Rieffanaugh does not disclose identifying a population group associated with the user. The system disclosed in Rieffanaugh allows a user to perform searches for people within the database, however, it does not identify a population group associated with the user. Further, Rieffanaugh does not teach or suggest using a population group to determine a population signal for an article. The Examiner specifically cites paragraphs 86-97 in support of the rejection. However, paragraphs 86-97 of Rieffanaugh simply refer to the sorts of things that may be stored within a database and that the database may be searched for. However, there is no teaching or suggestion that a population group associated with the user can be identified using Rieffanaugh, or, even if such a population group is

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identified, Reiffanaugh does not teach determining a population signal based at least in part on a population group associated with the user as recited in claim 1. As such, claim 1 is patentable over the combined references, Chaudhry and Rieffanaugh.

Like claim 1, claim 23 recites "identifying at least a first population group associated with the user; ... [and] determining a population signal for the first article based at least in part on the first population group." Therefore, claim 23 is patentable over the combined references for at least the same reasons as claim 1.

Because claims 2-22 and 24-44 depend from and limit claims 1 and 23, claims 2-22 and 24-44 are patentable over the combined references for at least the same reasons. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-44.

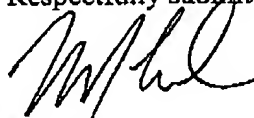
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### CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action of August 24, 2006. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an amendment, please call 404 815 6061.

Respectfully submitted,



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Date: October 24, 2006  
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